

21.03.2024

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rejected

C.R.M.(NDPS) No. 538 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1439 of 2021 dated 27.12.2021 under Sections 21(c)/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act.

And

In Re : Somen Mandal Petitioner

Ms. Reshmi Khatun

....for the petitioner

Mr. Anand Keshri

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. He prays for bail on the ground of delay in trial.

2. Learned Counsel for the State opposes the bail prayer and submits delay was caused due to abscondence of co-accused. Presently co-accused have been declared as proclaimed offenders and date for consideration of charge has been fixed.

3. We have considered the materials on record. Delay in the matter is due to abscondence of co-accused. Under such circumstances, bail prayer of the petitioner was turned down in January, 2024. Presently date has been fixed for consideration

of charge. Hence, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do so positively within sixty days thereof and thereafter to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

6. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)